

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

BRADLEY V. JACKSON,

Plaintiff,

vs.

MONTANA STATE PRISON, WARDEN
MICHAEL FLETCHER, MARRISA
BOSTWICK and TIFFANY MORRISON,

Defendants.

CV 18-00001-H-DLC-JTJ

ORDER

Plaintiff Bradley Jackson filed a one paragraph motion seeking default summary judgment because Defendants failed to respond to the original complaint. (Doc. 7.) Rule 55(a) of the Federal Rules of Civil Procedure provides, “[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party’s default.”

As Mr. Jackson was previously advised (Doc. 4), pursuant to the federal statutes governing proceedings in forma pauperis and cases filed by prisoners, federal courts must engage in a preliminary screening of a case to assess the merits of the claims. 28 U.S.C. § 1915(e)(2); 28 U.S.C. § 1915A(a). The Court completed this process and issued an Order directing the Clerk to serve

Defendants on August 1, 2018. (Doc. 6.) Defendants have not yet filed a Waiver of Service of Summons.

Because there is no proof that Defendants have otherwise been served with the Complaint in this matter, there is no basis for the entry of default or default judgment.

Accordingly, the Court issues the following:

ORDER

Mr. Jackson's Motion for Default Summary Judgment (Doc. 7) is DENIED.

DATED this 7th day of August, 2018.

/s/ John Johnston
John Johnston
United States Magistrate Judge